

**TOWN OF EASTON
COMMONWEALTH OF MASSACHUSETTS
WARRANT FOR SPECIAL TOWN MEETING
NOVEMBER 14, 2016**

BRISTOL, SS.

To either of the Constables of the Town of Easton in the County of Bristol:
GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Easton qualified to vote in elections and Town affairs to meet in the Oliver Ames High School Auditorium in said Easton on Monday, the 14th day of November, next, at 7:00 P.M., then and there to act upon the following articles:

ARTICLE 1. TRANSFER TO STABILIZATION FUND

To see if the Town will vote to appropriate by transfer from free cash a sum of money to be placed into the Stabilization Fund, or take any other action relative thereto.

Submitted by Board of Selectmen

Explanation: This transfers a portion of free cash and is proposed as part of the on-going goal to build up reserves.

Selectmen Recommendation:

Finance Committee Recommendation:

ARTICLE 2. TRANSFER TO CAPITAL STABILIZATION FUND

To see if the Town will vote to appropriate by transfer from available funds a sum of money to be placed into the Capital Stabilization Fund, or take any other action relative thereto.

Submitted by Board of Selectmen

Explanation: This article will transfer mitigation funds received from Avalon Bay in the amount of \$650,000 to the capital stabilization fund to build up reserves for future projects.

Selectmen Recommendation: Recommended

Finance Committee Recommendation:

ARTICLE 3. SUPPLEMENT FISCAL YEAR 2017 BUDGET

To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to supplement fiscal year 2017 departmental budgets, or take any other action relative thereto.

Submitted by Board of Selectmen

Explanation: This article will adjust the FY17 budget to make adjustments for several departments which require additional funding. Adjustments needed for 20% of 53rd payroll and possibly treasurer/collector's office.

Selectmen Recommendation:

Finance Committee Recommendation:

ARTICLE 4. SUPPLEMENT FY2017 CAPITAL BUDGET

To see if the Town will vote to raise and appropriate, appropriate by borrowing, or appropriate by transfer from available funds, the sum of \$1,527,438 to supplement the following capital budget needs of the Town for fiscal year 2017 as listed below, or take any other action relative thereto.

<u>Department/Capital Item</u>	<u>Amount</u>
Ambulance – EMS Skills Trainer & Ambulance Infusion Pumps	\$ 22,000
Fire – Forestry Skid Unit & Fire Alarm Radio Boxes	20,000
Fire – Vehicle Replacement	40,195
Police – 3 Cruisers & 1 Admin Vehicle	161,486
Police – CCTV & Interview Room Recording Equipment	37,000
Information Technology – Virtual Server Migration	60,572
Information Technology – Computer Replacements	27,643
Information Technology – Phone System Upgrade: Town Hall, DPW, Water, Fire	62,137
DPW Buildings & Grounds – (2) F550 Hooklifts	240,000
DPW Pavement Management	500,000
DPW Municipal Facilities Capital Improvements	200,000
DPW Planimetric Project (GIS)	75,000
School Department – Richardson Olmsted School Carpet Replacement	81,405
Total	\$ 1,527,438

Explanation: The capital budget was deferred at the annual town meeting and only several items were funded at that time. This article addresses the remaining needs for fiscal 2017. Funding sources are available funds, free cash and borrowing.

Selectmen Recommendation: Recommended

Finance Committee Recommendation:

ARTICLE 5. REPLENISHMENT OF CPA FUNDS

To see if the Town will vote to transfer available funds in the amount of \$174,881 received from Shovel Works Two, LLC as repayment towards interest on the loan of CPA funds made to Beacon Communities Development LLC for restoration of the historic Shovel Works complex into the Community Preservation Fund, or take any other action relative thereto.

Submitted by Community Preservation Committee

Explanation: The Town of Easton received a distribution of \$174,881 from Shovel Works Two, LLC as payment towards interest on the loan of CPA funds granted to Beacon Communities Development LLC for the preservation of the historic Shovel Works complex including creation of affordable housing units contributing to the Town's Subsidized Housing Inventory. This Article asks the Town to replenish CPA funds with these proceeds.

Selectmen Recommendation: Recommended

Finance Committee Recommendation:

ARTICLE 6. DISPOSITION OF TOWN LAND

To see if the Town will vote to authorize the Board of Selectmen to convey the property located at 300 Foundry Street upon such terms and conditions, and for such consideration as the Board of Selectmen deem to be in the best interest of the Town, said conveyance being restricted to the purpose of developing the parcel as group housing for no more than 16 intellectually disabled individuals, with said housing required to be deemed by the Commonwealth as affordable housing such that it may be included on the Town's Subsidized Housing Inventory as kept by the Department of Housing and Community Development, or take any other relative action thereto.

Submitted by Board of Selectmen

Explanation: 300 Foundry Street is a parcel of land acquired by the Town in 1999 for use as playing fields. The 15-acre parcel is largely wetlands and was found not suitable for playing fields. In 2007-2008 the Town attempted to sell the parcel for use as a small subdivision, but received no valid offers because prospective developers found site conditions too poor and site engineering expenses too high to support economically viable development. Site work by the Affordable Housing Trust has found this parcel might support only very limited development. The purpose of this article is to allow the Town to issue an RFP for a qualified service provider / group home developer to create housing for intellectually disabled individuals, fulfilling a local need for such housing. Each bedroom would count as an individual "unit" on Easton's Subsidized Housing Inventory and help the Town fulfill its Chapter 40B affordable housing obligations.

Selectmen Recommendation: Recommended

Finance Committee Recommendation:

ARTICLE 7. REVISION TO TOWN BYLAW CHAPTER 162

To see if the Town will vote to amend Chapter 162 of its General Bylaws, by replacing it with the following:

§ 162-1. Tax collector to provide list. The Tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterment and other municipal charges, hereinafter referred to as the “Tax Collector,” shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits, including renewals and transfers, a list of any person, corporation or enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

§ 162-2. Denial, suspension or revocation of license or permit. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing to be held not earlier than 14 days after said notice. Said list shall be prima facie evidence for denial revocation or suspension of said license or permit to any party. The Tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance or said certificate.

§ 162.3. Payment agreement. Any party shall be given the opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

§ 162-4 Waiver. The Board of Selectmen may waive such denial, suspension or revocation if it finds that there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his or her immediate family, as defined in GL c. 268A in the business or activity conducted in or on said property.

§ 162-5 Exemptions. This section shall not apply to the following licenses and permits issued under the General Laws of the Commonwealth: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

Explanation: This amendment is to update the bylaw so that it conforms to the amendments to the State Statute governing such processes

Selectmen Recommendation: Recommended

Finance Committee Recommendation:

Article 8:

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for Special Legislation relative to the ratification of bylaws in the Town of Easton, as follows:

Be it enacted by the Senate and the House of Representatives, in General Court assembled, and by the authority of the same as follows, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

Said Legislation to read as follows:

An Act Relative to the Ratification of Bylaws in the Town of Easton

Section 1. Whereas, Section 32 of Chapter 40 and Section 5 of Chapter 40A of the General Laws of the Commonwealth prescribe certain procedures and timelines for a town's adoption of Zoning Bylaws and General Bylaws.

Section 2. Whereas, since 2009, the Town of Easton’s Town Meeting has duly voted for the approval of certain General and Zoning Bylaws but such Bylaws have not been timely submitted to the Massachusetts Attorney General for approval as is required under the above-referenced statutes.

Section 3. Notwithstanding any General or Special law to the contrary, upon the passage of this Act; and submission, by the Easton Town Clerk to the Massachusetts Attorney General of all required information to demonstrate compliance with the above-referenced statutes, excepting timeliness, the procedures for the Attorney General’s review of such bylaws shall be commenced. Upon the Attorney General’s approval of such bylaws, said bylaws shall be deemed ratified, with the effective date of the above-listed zoning bylaw amendments to be the date of Town Meeting at which they were approved; and the effective date of the general bylaw amendments to be a date that is ninety (90) days following the date of the Town Meeting at which they were approved.

Section 4. This act shall take effect upon its passage

or take any other action relative thereto.

Explanation: This article would rectify the Town Clerk’s failure to submit Town Meeting approved bylaws to the Massachusetts Attorney General. By way of information; bylaws approved by Town Meeting must be submitted to the Attorney General by the Town Clerk in accordance with M.G.L. Chapter 40 Section 32 and Chapter 40A Section 5. Upon submittal, the Attorney General reviews, approves, and publishes the approved bylaws. Town Meeting approved bylaws that have not been submitted in a timely fashion to the Attorney General cannot be approved.

On October 21, 2016, the Selectmen’s Office of Easton was notified by the Office of the Attorney General that the Town Clerk has not submitted general and zoning bylaws approved by Town Meeting to the Attorney General for several years. Accordingly, any such bylaws lack the required approval of the Attorney General and must be ratified. Upon passage of this article, which has been approved by the Attorney General, the Town will petition the General Court of Massachusetts for retroactive ratification of all bylaws that have not gone through the proper process.

Selectmen Recommendation:

Finance Committee Recommendation:

ARTICLE 9

To transact any other business that may legally come before said meeting.

You are directed to serve this Warrant by posting attested copies thereof one at each meeting house and post office and one at the Oliver Ames High School Auditorium and one at the Town Offices, fourteen days at least before the time of holding said meeting.

Given under our hands this October 24th day of October the year Two Thousand Sixteen.



Kevin G. McIntyre, Chairman



Carol F. Nestler, Clerk



Daniel J. Murphy



Dottie A. Fulginiti

David R. Mills

EASTON BOARD OF SELECTMEN

Easton, Mass _____

By virtue hereof and as within directed, I have this day posted attested copies of this Warrant.

_____, Constable of Easton

OFFICIAL PROCEDURES TO BE USED AT TOWN MEETING
Approved - Town Meeting - May 1978

- 1. Main Motion:** **Debatable**
When a motion has been made, seconded and stated by the Chair, the assembly is not at liberty to consider any other main motion until this motion has been disposed of.
- 2. Motion to Amend:** **Majority Vote Required** **Debatable**
This motion is to change, add, or omit words in the original main motions.
- 3. Motion to Amend the Amendment** **Majority Vote Required** **Debatable**
This is a motion to change, add, or omit words in the first amendment.
Method of Vote: The first vote is on changing words of second amendment. If the first vote adopts the change, the second vote is on the first amendment as changed or amended. The third vote is on adopting the main motion as changed or amended.
- 4. Motion to Commit or Refer:** **Majority Vote Required** **Debatable, Amendable**
When a motion becomes involved through amendments or when it is wise to investigate a question more carefully, it may be moved to commit or refer the motion to a committee for further consideration.
- 5. Motion to Close Debate** **2/3 Vote Required** **Not Debatable**
When debate does not seem to be shedding additional light on a question, you may move to end it by calling the question: "Mr. Moderator, I call the question." You must be recognized by the Chair before making this motion. As soon as this Motion is made, debate ceases and a vote on closing debate is taken. If the motion is carried, a vote is immediately taken on the question under consideration.
- 6. Motion to Reconsider:** **Majority Vote Required** **Debatable**
This motion must be made the same day as the original motion was carried or defeated. "A vote can be reconsidered only once."
- 7. Motion to Adjourn:** **Majority Vote Required** **Debatable**
This motion is always in order except (a) when a speaker has the floor, (b) when a vote is being taken, (c) after it has just been voted down (d) when the assembly is in the middle of some business which cannot be abruptly stopped. A definite time and place must be set.

MISCELLANEOUS MOTIONS

These motions (or questions) are not necessarily related to the Main Motion and do not fall within the order of precedence. They may be made as appropriate or necessary.

- 1. Question of Privilege:** A motion unrelated to the business taking place, e.g. "Question of privilege, please! It is too noisy. I request that the Chair ask that all talking be stopped."
- 2. Point of Information:** Motion used to ask a question or obtain clarification of facts pertaining to the motion at hand. "Point of information, please! What would be the cost to repair this piece of machinery rather than replace it?" There is no vote or debate. The Chair provides the information sought.
- 3. Point of Order:** This motion is always in order but can be used only to present an objection to some method of parliamentary procedure. "Mr. Moderator, I rise to a point of order!" Then the objection is stated. There is no vote or debate and the Chair immediately rules on the point of order.
- 4. Point of No Quorum:** This motion requires no second and is not debatable. No other motion may be applied to it. It may not be used to interrupt a speaker. When the point is properly raised, the Moderator must then ascertain whether or not a quorum exists.
- 5. Secret Ballot:** At any Annual or Special Town Meeting when any article is put to the meeting for a vote, if a voter stands to request a secret ballot, he shall be promptly recognized by the Moderator and if on inquiry by the Moderator such voter is joined by at least 29 other standing voters, the Moderator shall automatically order a secret ballot without a debate.